IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 952 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HEIRS OF MELSINGBHAI RAIJIBHAITHAKORE

Versus

RAMUBHAI DAMJIBHAI MAHARAJ

Appearance:

MR NALIN K THAKKER for Petitioner No. 1-1/4

RULE SERVED for Respondent No. 1-3,6

..... for Respondent No. 4

RULE SERVED BY DS for Respondent No. 5

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 28/03/2003

ORAL JUDGEMENT

1. Heard learned Advocate Mr. Nalin K. Thakkr for the applicants.

2. This Misc. Civil Application is filed by the applicants under Section 24 of the Civil Procedure Code for transfer of Motor Accident Claim Petition No. 139/1995 pending before the Motor Accident Claims Tribunal, Valsad, to Motor Accident Claims Tribunal, Kheda at Nadiad.

3. The opponents are served.

4. The accident, for which the said Motor Accident Claim Petition came to be filed, occurred on 21st of September, 1994, wherein husband of first applicant died and since the accident occurred within the jurisdiction of the Motor Accident Claims Tribunal, Navsari, the Claim Petition came to be filed before the Motor Accident Claims Tribunal, Navsari in 1995.

5. Vide this application, it has been contended that in pursuance of Amendment in Section 166 of the Motor Vehicles Act, the applicants are entitled to file and maintain Claim Petition before the Claims Tribunal, Kheda at Nadiad because all the applicants are staying at Vidhyanagar within the jurisdiction of Motor Accident Claims Tribunal at Kheda. It has also been contended that some of the opponents are also the resident of the jurisdiction of Motor Accident Claims Tribunal, Kheda at Nadiad.

6. In view of what is stated above and in view of the fact that the applicants out of 4 applicants are minor and it would be highly expensive and inconvenience for the applicants to maintain the Claim Petition at Navsari, it clearly appears that the grounds for transfer of said Motor Accident Claim Petition have been made.

7. In the above view of the the matter, this Application is allowed. Motor Accident Claim Petition No.139/95 pending before the Motor Accident Claims Tribunal, Navsari at Valsad is ordered to be transferred to the Motor Accident Claims Tribunal, Kheda at Nadiad. The Motor Accident Claims Tribunal, Navsari at Valsad is directed to transmit the record and proceedings of Motor Accident Claim Petition No.139/95 to Motor Accident Claims Tribunal, Kheda at Nadiad forthwith. In pursuance of bifurcation of judicial district, if this Claim Petition is pending before the Motor Accident Claims Tribunal at Valsad, then, it will be duty of the Motor Accident Claims Tribunal at Valsad to transfer the said Claim Petition No.139/95 to Motor Accident Claims Tribunal, Kheda at Nadiad. Motor Accident Claims

Tribunal, Kheda at Nadiad is also directed that on so receiving the record and proceedings of the said Motor Accident Claim Petition No.139/95, the same shall be registered, proceeded with and disposed of according to law. Rule is made absolute. No costs.

(J.R. Vora, J.)

p.n.nair